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Atty Dkt. No.: 06510-121US1  
USSN: 09/544,910

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## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Typed or Printed Name      Donna Macedo

Signature

Date 4/30/01

**DECLARATION OF  
YADONG HUANG  
UNDER 37 C.F.R. § 1.132**

Address to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket	06510-121US1
First Named Inventor	Huang et al.
Application Number	09/544,910
Filing Date	April 7, 2000
Group Art Unit	1642
Examiner Name	S. Rawlings
Title	Methods and Compositions for Use in the Treatment of Hyperlipidemia

Dear Sir:

I, Dr. Yadong Huang, do hereby declare as follows:

I am a scientist at the University of California at San Francisco. I am also the co-inventor of the above-captioned patent application. I have read and understood the Office Action of January 29, 2001.

The presently pending claims have been rejected under 35 U.S.C. 103(a) as obvious over the publication of Huff, et al. (Arteriosclerosis and Thrombosis (1991) 11:221-233) in view of the publication of Huang, et al. (Journal of Biological Chemistry (1998) 273:26388-26393). The publication of Huang, et al. was a description, in part, of the invention conceived by myself, Dr. John M. Taylor and Dr. Robert W. Mahley, and as such, is not a publication by another. The article lists as co-authors Xiao Qin Liu, Dr. Stanley C. Rall, Jr., Dr. Arnold von Eckardstein, and Dr. Gerd Assmann, who are not named as co-inventors. Authorship of an article by itself does not raise a presumption of inventorship with respect to the subject matter disclosed in the article. Thus, co-authors may not be presumed to be coinventors merely from the fact of co-authorship.

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Only Drs. Huang, Taylor, and Mahley contributed to the conceptualization of these experiments and the formulation of the invention. The roles of the co-authors were as follows: Xiao Qin Liu provided only technical assistance in screening transgenic mice and measuring lipid levels in transgenic mice and rabbits; Dr. Stanley, C. Rall, Jr., served only as a consultant on the project; and Drs. Arnold von Eckardstein and Gerd Assmann provided some of the human plasma samples used in the study. Thus, the contributions of these four co-authors represented technical assistance, informational assistance, and assistance with obtaining materials for the study, but did not represent an inventive contribution to the subject matter claimed in the present application.

I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: The 16<sup>th</sup> of April, 2001

By

  
Dr. Yadong Huang